

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 93-750-C - ORDER NO. 94-170✓  
FEBRUARY 23, 1994

IN RE: Request of Pond Branch Telephone Company	)	ORDER
for Approval of its Optional Extended Area	)	DENYING
Calling Plan.	)	STAFF'S
	)	MOTION TO
	)	QUASH
	)	SUBPOENA

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Quash Subpoena filed by the Commission Staff.

On February 7, 1994, the Consumer Advocate for the State of South Carolina (the Consumer Advocate) filed a letter with the Executive Director of the Commission requesting the issuance of a subpoena for Dr. Glenn Rhyne of the Commission Staff to appear for the continuation of the above referenced proceeding. The subpoena was issued on February 9, 1994.

Also on February 9, 1994, the Commission Staff filed a Motion to Quash Subpoena pertaining to the subpoena issued for Dr. Rhyne. The Staff argued that Dr. Rhyne's testimony would be repetitive and duplicative and would extend the length of the hearing for no real purpose. The Staff also argued that allowing the Consumer Advocate to sponsor Dr. Rhyne as a witness in addition to the expert witness chosen by the Consumer Advocate could lead to

improper bolstering or impeachment of the Consumer Advocate's expert witness. Further, the Staff objected to the issuance of the subpoena on the ground that it would be unduly burdensome on the Staff. Pond Branch Telephone Company filed a letter in support of the Staff's Motion to Quash, and the Consumer Advocate filed a Response to the Staff's Motion to Quash.

Upon consideration of this matter, the Commission hereby denies the Staff's Motion to Quash the Subpoena. The Commission generally does not look favorably on outside parties using the subpoena powers of the Commission to compel the testimony of Staff personnel. However, the Commission believes that in this case with its limited set of circumstances Dr. Rhyne's testimony may shed some light in the issues in this case. Accordingly, the subpoena issued for Dr. Glenn Rhyne of the Commission Staff to appear at the continuation of the above referenced proceeding on Friday, February 25, 1994, is effective upon proper service thereof.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION.

  
Chairman

ATTEST:

  
Executive Director

(SEAL)